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Notice of Allowability

Application No.	Applicant(s)	
09/814,495	BAER, DANIEL B.	
Examiner	Art Unit	
Ljiljana (Lil) V. Ciric	3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to replies filed on 08/01/2005 and 04/22/2005, and to the telephonic interview of 10/17/2005.
2. ☒ The allowed claim(s) is/are 1-7, 18, 20, 21 and 23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>10172005</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |


LJILJANA CIRIC
PRIMARY EXAMINER

Art Unit: 3753

EXAMINER'S AMENDMENT

1. Upon reconsideration in view of the entire file wrapper history and applicant's remarks as filed on August 1, 2005, the examiner is withdrawing the restriction requirement which was made earlier during the prosecution of this application because the examiner, while not previously withdrawing the restriction requirement, inadvertently failed to respond to applicant's traversal of the restriction requirement.

In view of the above noted withdrawal of the restriction requirement, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Mark L. Gleason, Registration No. 39,998, on October 17, 2005.

The application has been amended as follows:

In the claims:

Claim 1, line 6: Delete "system" and replace with --enclosure--.

Claim 1, line 8: Immediately following "sensor", insert --for measuring the temperature of the air exiting the enclosure--.

Claim 1, line 9: Immediately following "controller", insert --operably connected to the temperature sensor--.

Claim 1, immediately following line 9, insert a new line: --an external cooling source;--.

Claim 1, lines 11-12: Delete "outside the environment containing the enclosure" and replace with --to the external cooling source--.

Claim 1, line 13: Delete "refrigerated fluid" and replace with --liquid--.

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Claim 1, line 14: Delete “temperature sensor” and replace with –measured temperature--.

Claim 6, line 2: Immediately preceding “liquid flow”, delete “refrigerated”.

Claim 7, line 4: Immediately preceding “temperature”, insert –measured--.

Cancel claims 8 through 14.

Cancel claims 16 and 17.

Cancel claim 19.

Claim 20, immediately following line 3, insert a new line: --an external cooling source;--.

Claim 20, lines 5-6: Delete “outside the environment containing the enclosure” and replace with –to the external cooling source--.

Claim 20, line 7: Delete “refrigerated”.

Claim 20, line 10: Immediately preceding “temperature”, insert –sensed--. Also, delete “enclosure” and replace with –heat exchanger--.

Claim 21, line 4: Immediately preceding “heated air”, insert –the--.

Claim 21, immediately following line 4, insert a new line: --an external cooling source;--.

Claim 21, lines 6-7: Delete “outside the environment” and replace with –to the external cooling source--.

Claim 21, line 8: Immediately preceding “cooling liquid”, insert –the--.

Claim 21, line 9: Immediately preceding “temperature”, insert –the--.

Claim 21, line 10: Immediately preceding “temperature”, insert –sensed--. Immediately following “temperature”, insert –of the air--.

Cancel claim 22.

Claim 23, line 8: Immediately preceding “cooling liquid”, insert –flow of the--. Also, immediately preceding “to maintain”, insert –through the air-to-liquid heat exchanger--.

Claim 23, line 9: Immediately preceding “saturation temperature”, delete “a” and replace with –the--. Also, immediately preceding “air in the”, delete “a” and replace with –the--.

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Claim 23, line 11: Immediately preceding "outside", insert --to--. Immediately following "outside", insert --of--.

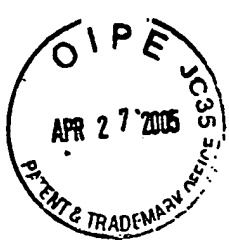
3. The additional prior art made of record hereby and not relied upon is considered pertinent to applicant's disclosure.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric whose telephone number is 571-272-4909. The examiner can normally be reached on Mondays through Fridays from 10:00 a.m. to 6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene, can be reached at 571-272-4930.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ljiljana (Lil) V. Ciric
Primary Examiner
Art Unit 3753



Approved.
LVC
10-14-05

REPLACEMENT SHEET

